

-----Original Message-----

From: Clauson, Karen L.
Sent: Monday, September 15, 2003 6:49 PM
To: 'Jodi.Smith@usdoj.gov'
Subject: DS1 capable loop - Eschelon supplemental comments to CMP

Here are additional comments that Eschelon sent to Qwest CMP regarding the status of the DS1 capable loop issue after the AZ 271 hearing on Monday.

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-----Original Message-----

From: bjjohnson@eschelon.com [SMTP:bjjohnson@eschelon.com]
<<mailto:bjjohnson@eschelon.com>>
Sent: Thursday, September 11, 2003 9:26 AM
To: bjjohnson@eschelon.com
Subject: PROS.08.27.03.F.01173.DS1CapableLoop_IntProc --- ---

Thank you for submitting your comments through the Qwest CMP Document Review and Comment Process.

The information you entered is listed below.

If you have any questions, please direct them to cmpcomm@qwest.com.

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Comment:

Eschelon submitted comments on this notice on August 29, 2003. The deadline for comment is not until September 11, 2003, and Eschelon submits these timely supplemental comments on this issue.

At an Open Meeting on September 8, 2003 in Arizona, the AZ Commission voted to approve an Order containing the following language:

“109. Staff agrees with Eschelon with respect to the recently imposed construction charges on CLECs for line conditioning. Staff is extremely concerned that Qwest would implement such a significant change through its CMP process without prior Commission approval. As noted by AT&T, during the Section 271 proceeding, the issue of conditioning charges was a contested issue. Language was painstakingly worked out in the Qwest SGAT dealing with the issue of line conditioning which Qwest’s new policy is at odds with. Staff recommends that Qwest be ordered to immediately suspend its policy of assessing construction charges on CLECs for line conditioning and reconditioning and immediately provide refunds to any CLECs relating to these unauthorized charges. Qwest should reinstitute its prior policy on these issues as reflected in its current SGAT. If Qwest desires to implement this change, then it should notify the Commission in Phase III of the Cost Docket, but must obtain Commission approval of such a change prior to its implementation. To the extent Qwest does not agree to these conditions, Staff recommends that Qwest’s compliance with Checklist Items 2 and 4 be reopened. We agree with Staff.”

In addition, at the same Open Meeting, counsel for Qwest agreed to return “100%” to the processes in place before June 2003. (This is in addition to the representation that Qwest made to the AZ Commission at the 8/21/03 Open Meeting that “everything is going back to the way it was before June 15.”) (Tr. p. 40, lines 22-24)). Before June 15, Qwest had in place a non-interim process that resulted in a low level of jeopardy notices for service inquiry/no build. Eschelon’s expectation, based on the AZ Order and Qwest’s representations to the Commission, is that the non-interim process is in place, and levels will return to where they were before June 15. In addition, Eschelon expects that Qwest will seek prior Commission approval before attempting to make such changes in the future.